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Minutes of the Commission Meeting Held on June 15, 2017 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

Commissioners: (P= Present; A= Appointed; E= Elected)

P Gail Barmakian (A-Oak Bluffs)	- Michael Kim (A-Governor)
P Tripp Barnes (E-Tisbury)	P Joan Malkin (A-Chilmark)
- Christina Brown (E-Edgartown)	P Katherine Newman (A-Aquinnah)
- Peter Connell (A-Governor; non-voting)	P Ben Robinson (A-Tisbury)
P Robert Doyle (E-Chilmark)	P Doug Sederholm (E-West Tisbury)
P Josh Goldstein (E-Tisbury)	P Linda Sibley (E-West Tisbury)
- Fred Hancock (E-Oak Bluffs)	P Ernie Thomas (A-West Tisbury)
- Leonard Jason (A-County)	P Richard Toole (E-Oak Bluffs)
P James Joyce (A-Edgartown)	P James Vercruysse (E-Aquinnah)

Staff: Adam Turner (Executive Director), Dan Doyle (Transportation Planner), Curtis Schroeder (Administrator).

Chairman James Vercruysse called the meeting to order at 7:00 p.m.

1. DCPC COASTAL DISTRICT-CHILMARK PUBLIC HEARING AND VOTE ON CONFORMANCE OF PROPOSED AMENDMENTS TO REGULATIONS

Commissioners Present: G. Barmakian, T. Barnes, R. Doyle, J. Goldstein, J. Joyce, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.

James Vercruysse, Chairman read the public hearing notice for the DCPC Coastal District, Chilmark, to vote on the conformance of proposed amendments to regulations and opened the public hearing and continued it until June 22, 2017 without taking any testimony.

2. M.V. SHARKS NETTING-OAK BLUFFS DRI 352-M5 CONCURRENCE REVIEW

Commissioners Present: G. Barmakian, T. Barnes, R. Doyle, J. Goldstein, J. Joyce, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.

For the Applicant: John Roberts

2.1 Land Use Planning Committee Report

Linda Sibley, LUPC Chairman, said the applicant put up netting that should have come to the MVC as a modification. There were only two members at LUPC so they could not take any action but they had a discussion with Mr. Roberts. They asked that he bring a Master Plan to the MVC so there is a full picture on file. What has been done with the netting cannot be seen from a public road.

2.2 Staff Report

Dan Doyle presented the following.

- Photos were shown and reviewed of the new back stop that provides extra safety for fans being protected by line drives and foul balls. It also provides better viewing for the fans.
- To put up the netting a concrete base was needed which required a building permit.
- The netting is tethered for support.
- The apparatus can come down after the season and during storm periods and high winds if needed.
- The concrete base reaches four feet.
 - Adam Turner indicated how the former batting cage looked and now it is being done in a major league style.

2.3 Commissioners' Questions

Doug Sederholm asked if this would be up through all seasons. John Roberts said it would extend through all seasons for the High School and the Sharks. It is a useful design since it can be stored away.

Doug Sederholm asked how tall the posts are for the netting. John Roberts said the mast is 6 feet under and 24 feet above. He noted that they also made an area for Camp Jabberwocky as they are a huge supporter of the games.

Joan Malkin asked if the applicant came to the MVC when the newest concession was put in. John Roberts said they did not but they did come before the MVC for the bathrooms. The concession is a mobile concession stand and was not under the Building Inspector's jurisdiction.

Trip Barnes said the netting is for public safety and should be approved.

Doug Sederholm moved and it was duly seconded that the request does not rise to the level requiring a public hearing. Voice vote. In favor: 13. Opposed: 0. Abstentions: 0. The motion passed.

Linda Sibley moved and it was duly seconded to approve the Sharks facility as it currently exists including anything in the original decision and any additions.

- Josh Goldstein asked if there is anything else to be done with the netting.
- John Roberts said there is one more net to be added.

Linda Sibley amended her motion and it was duly seconded to add as it exists today and with one more net to be added.

- Gail Barmakian asked if the MVC should document what is there now.
- Linda Sibley said MVC staff will go out and document.

Roll call vote. In favor: G Barmakian, T. Barnes, R. Doyle, J. Goldstein, J. Joyce, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse. Opposed : none. Abstentions: none. The motion passed.

Adam Turner addressed the applicant stating that the MVC has done two reviews after the project was built. If it happens again we will need to do a public hearing so please be sure to come to the MVC before the project is done.

3. VINEYARD HOUSE-TISBURY DRI 582-M3 MODIFICATION REVIEW

Robert Doyle recused himself.

Commissioners Present: G. Barmakian, T. Barnes, J. Goldstein, J. Joyce, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.

3.1 Staff Report

Dan Doyle presented the following.

- The applicant wanted to change their location and in order to meet the nitrogen load requirements they needed to purchase land from Goodales.
- The property is now on sewer so the applicant no longer needs the additional land and is transferring it back to Goodales (who is buying it back).
- The location was shown and reviewed on the site plan.

Linda Sibley moved and it was duly seconded that the request does not rise to the level requiring a public hearing.

- James Joyce asked if the septic system was put in.
- Linda Sibley said it was not and the property is a pit.

Voice vote. In favor: 10. Opposed: 0. Abstentions: 2. The motion passed.

Linda Sibley moved and it was duly seconded to approve the plan as presented. Roll call vote. In favor: G. Barmakian, T. Barnes, J. Goldstein, J. Joyce, K. Newman, B. Robinson, L. Sibley, E. Thomas, R. Toole, J. Vercruysse. Opposed: none. Abstentions: J. Malkin, D. Sederholm. The motion passed.

4. MEDICAL MARIJUANA-WEST TISBURY DRI 618-M2 CONTINUED PUBLIC HEARING

Robert Doyle rejoined the meeting.

Commissioners Present: G. Barmakian, T. Barnes, R. Doyle, J. Goldstein, J. Joyce, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.

For the Applicant: Geoff Rose, Jim Eddy

Doug Sederholm and Josh Goldstein said that they have rehabilitated themselves so they can participate in the public hearing.

Linda Sibley, Public Hearing Officer opened the Continued Public Hearing.

4.1 Staff Report

Adam Turner presented the following.

- The MVC has received a letter from Elain Barse and she is still concerned about the lighting on Dr. Fisher Road. She is also concerned that additional modifications and retail exposure could still come through for the application.
- Leonard Jason had asked last week for the full square footage breakdown; 7,200 sf is proposed, 1,800 sf is for Big Sky Tents and 5,400 sf is for PatientCentric. The square footage was reviewed on the site plan.
- The site plan as approved in 2010 and the proposed site plan were reviewed.
- The lighting plan showed the location of the lights.
 - **Joan Malkin** asked how tall the bollards are.
 - **Geoff Rose** said approximately 4 feet.
- The floor plans were reviewed.

4.2 Commissioners' Discussion

Linda Sibley, Public Hearing Officer reiterated that unless something new arose testimony would not be given.

Doug Sederholm asked what the approval process is once the applicant receives approval from the Town and the DPH. **Geoff Rose** said the application goes back to the Town which requires a Special Permit as well as an architectural review and the lighting plan requires DPH approval. In terms of the

regulations there are two references; per the DPH lighting for the RMD has to be sufficiently lit for surveillance and it also states video cameras for the area and parking lots has to have sufficient lighting for their use. He firmly believes the DPH won't even look at the bollards.

Linda Sibley said the MVC could approve the plan as presented and if the DPH required lighting such as 20 foot high lights the applicant would have to come back to the MVC.

Linda Sibley, Public Hearing Officer closed the Public Hearing with post public hearing LUPC on June 26, 2017.

Linda Sibley and **Adam Turner** agreed that LUPC would try to be done at the June 22, 2017 LUPC meeting but if not possible it would be at the June 26, 2017 meeting.

5. MVC HOUSING

Commissioners Present: G. Barmakian, T. Barnes, R. Doyle, J. Goldstein, J. Joyce, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.

James Vercruysse, Chairman said the Executive Committee has been discussing the idea of purchasing property to provide housing for Commission staff use and it is felt that now is the time to act. The full Commission would need to endorse the idea and agree on an expenditure range. A sub-committee of five Commissioners would be appointed to work on finding the best suitable property and this committee would have the authority to enter into a purchase and sale agreement. Curtis Schroeder has prepared a cost analysis for review. As well we should review why or why not to move forward on this proposal.

5.1 Staff Report

Curtis Schroeder presented the following.

- The purchase would fit within the current budget.
- Affordable year round housing is fairly nonexistent and will become worse as time goes on.
- Upon exploring the current market for suitable housing, we discovered that there are no properties to purchase that will meet our needs and are affordable to people in the Commission staffs salary range. Therefore, the MVC will most likely need to subsidize a portion of the cost of housing.
- The purchase price is based on a three bedroom, two bath home approximately 1,500 sf and includes the closing costs.
- Rental income would be equivalent to one third of the Executive Director's current monthly gross wage.

5.2 Commissioners' Discussion

Doug Sederholm asked for clarification that the analysis is based on 100% borrower funded. **Curtis Schroeder** said it is as the Commission has equity in the current building (the Stone Building).

Doug Sederholm asked if the MVC would be exempt from Land Bank fees, attorney fees, etc. **Curtis Schroeder** said we would and also from real estate taxes.

Richard Toole asked if this is interim, permanent housing or housing for the Executive Director. **James Vercruysse** said it is for staff housing and the term of use is to be determined.

There was a discussion about being exempt from real estate taxes.

- **Gail Barmakian** asked if the MVC is exempt; if charging rental income are we then exempt from taxes or are we then really not exempt.

- **Josh Goldstein** said there are other ways to do it such as adding the rental subsidy to their salary.
- **Robert Doyle** asked for clarification that Gail Barmakian is referring to the real estate taxes.
- **Gail Barmakian** confirmed she is speaking with regards to real estate taxes.

Linda Sibley said the MVC would not be doing this if we thought staff could afford market rate rental. The MVC would be subsidizing and recouping some of the investment cost through the rental.

Doug Sederholm said the chart is based on rental income of one third of the Executive Director's monthly gross wage. If it is for someone else that amount could change and be different and a lot more funding could be needed for another associate.

Adam Turner said in future iterations the rent may be higher, as an example we have an intern right now who can't find housing.

Richard Toole asked how the expenses and subsidy are affected as funding goes up more. **Curtis Schroeder** said we did strategical funding based on the Executive Director's salary. The fair market value is \$2,500/month for a \$750,000 house so we are probably higher.

Katherine Newman asked for clarification on how the Stone Building is being used for the purchase. **Curtis Schroeder** said the lien on the Stone Building is \$450,000 and it is worth \$1,200,000 so the Commission could use the equity to buy the other property.

Katherine Newman asked if there is any way to subsidize the mortgage so the person ends up with the house. **Adam Turner** said the MVC wants to own the property and have the equity. This is a solution for the employees for their housing needs. We have professional staff that goes through the same thing that others on the Island go through for housing needs.

Linda Sibley said the MVC would be getting a dual investment, ownership in a valuable piece of real estate and it will make our positions a more valuable job

Trip Barnes said he thinks the MVC is in a position to support our Executive Director but do we need to provide housing for staff. Buildings could be found now to do this.

Linda Sibley said that is why we want to do this so we can act on a property when it is found.

James Vercruysse said the MVC has to go through a process to be able to do this.

There was a discussion about the rate and maintenance.

- **Ben Robinson** felt this is very onerous landlords. We are charging more than market rate and maintenance.
- **James Vercruysse** said we want to be sure we can fund in our budget this year and also in the future. The costs are indicative.
- **Ben Robinson** said if the MVC owns the property we should be responsible for the maintenance.
- **Curtis Schroeder** noted (F) on the analysis; "Beginning FY 2019, the MVC will increase its deferred maintenance budget from \$2,000 per year to \$5,000 to cover costs of any future capital expenditures to both the office building and the residence."
- **Joan Malkin** said we would have a deferred maintenance account.

Linda Sibley moved and it was duly seconded to empower the Chairman to appoint this committee and empower the committee to find a house that meets these guidelines up to \$750,000.

- **Gail Barmakian** asked for clarification that the lower purchase price guidelines can also be used.
- **James Vercruysse** said yes.

Roll call vote. In favor: G. Barmakian, T. Barnes, R. Doyle, J. Goldstein, J. Joyce, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse. Opposed: none. Abstentions: none. The motion passed.

James Joyce said it be important to find out the answer to Gail Barmakian's question with regards to real estate taxes. **Curtis Schroeder** said he will investigate that right away.

James Vercruysse, Chairman said he has spoken with the following Commissioners who would like to be appointed to the committee and have agreed to be on the committee; Leonard Jason, James Joyce, Josh Goldstein, Ernie Thomas and himself.

Doug Sederholm asked who would do the P & S agreement as the proposal says the committee will.

James Vercruysse said perhaps Doug Sederholm could do it and assist with that.

James Joyce and **Gail Barmakian** said the final proposal should say that the committee should be able to offer to purchase not do the Purchase & Sale Agreement.

Doug Sederholm said we could have Commissioners who have experience with P & S help with the P & S agreement.

6. MINUTES

Commissioners Present: G. Barmakian, T. Barnes, R. Doyle, J. Goldstein, J. Joyce, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.

Josh Goldstein moved and it was duly seconded to approve the minutes of March 16, 2017 with the correction of the spelling of is name "Goldstein" on line 294. Voice vote. In favor: 11. Opposed: 0. Abstentions: 2. The motion passed.

Josh Goldstein moved and it was duly seconded to approve the minutes of April 6, 2017 as written. Voice vote. In favor: 12. Opposed: 0. Abstentions: 1. The motion passed.

Josh Goldstein moved and it was duly seconded to approve the minutes of May 18, 2017 as written. Voice vote. In favor: 12. Opposed: 0. Abstentions: 1. The motion passed.

7. NEW BUSINESS

Commissioners Present: G. Barmakian, T. Barnes, R. Doyle, J. Goldstein, J. Joyce, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.

7.1 Executive Director Report

Adam Turner presented the following.

- Many people attended the Airbnb public hearing in Barnstable on Monday June 12, 2017. There are a lot of people in support but it potentially requires a lot of requirements for the town such as inspections and registration. The fees are 5% to the State and 6 % to the town. The Cape has added 2.5% for wastewater and that could potentially also be for the Island. There are three different vehicles for the fees. The Governor wants to get to the real Airbnb that have to be in business for 180 days and to tax seasonal units as well as Airbnb and for the Cape and the Islands that is 60% of our rentals.
 - **Joan Malkin** asked if the 5% is mandatory and the 6% is optional.
 - **Gail Barmakian** said all bills have a compulsory 5 % and towns can adopt up to 6% in most of the other bills. The Cape has one with the additional 2.5%. The bill is somewhat ambiguous regarding seasonal home rentals that are not on Airbnb.

- **Doug Sederholm** asked how the current hotel tax is split.
- **Josh Goldstein** said it is about the same; the State is 5 % and the balance is the towns.
- **Gail Barmakian** added that it gets dispersed back to the towns by the State and the larger towns get more back.
- **Trip Barnes** asked if the bill is successful will they tax all summer rentals.
- **Adam Turner** said yes.
- **Josh Goldstein** said this tax would be paid by the renter not the homeowner and yes your rental becomes more expensive.
- **Ben Robinson** asked if the town doesn't opt in how does the State collect.
- **Gail Barmakian** said you register with the State on a State list.
- **Adam Turner** said if it passes you will have to register with the State.
- **Joan Malkin** said the State would have to give the list to the town because the town would have to do the inspections.
- **James Joyce** asked does the Island have the ability to add 2.5%.
- **Adam Turner** said yes and he will give the Commissioners more information as it develops.
- We are very focused on the herbicide issue. Eversource has not responded so we are going to the Department of Agriculture regarding how they are applied and what is being applied. We have stressed State Forests and low aquifers and need to address this.
 - **Ben Robinson** asked if we are just addressing Eversource.
 - **Adam Turner** said no, all uses.
- He is writing to the Governor to address who are the appointees to the Commission. We need clarity and Michael Kim wants to be a voting member.
- The One Cape Conference is on June 22, 2017 and June 23, 2017. The first day will be on wastewater and the second on housing.
- We submitted a grant for the Permeable Reactive Barrier and thanked Gail Barmakian for her help on this with Oak Bluffs.
- The Wastewater, Water Quality Committee is coming to conclusion soon.

The meeting was adjourned at 8:10 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Minutes of the Commission Meeting – Draft, Held on March 16, 2017
- Minutes of the Commission Meeting – Draft, Held on April 6, 2017
- Minutes of the Commission Meeting – Draft, Held on May 18, 2017
- Plan of Land in Tisbury, Mass Surveyed for Vineyard House, Inc., Dated May 8, 2017
- DRI 618-M2 Registered Medical Marijuana Grow Operation site plan and aerial view
- DRI # 618-M2 Medical Marijuana Cultivation Proposal
- West Tisbury Light Industrial Zone site plan
- DRI 618-M Big Sky Tents Building Approved Site Plan 2010
- DRI 618-M2 Med. Marijuana Proposed Site Plan and Lighting Plan Revised 2017-05-26, Septic Plan and Proposed Elevations Revised 2017-05-26, Medical Marijuana & Big Sky Storage and Floor Plans Revised 2017-05-26
- Letter to Commissioners, Re: MVC Housing, Dated June 15, 2017
- Martha's Vineyard Commission Purchase of Residence

Jan P. L.
Chairman

Sept. 7, 2017
Date

[Signature]
Clerk-Treasurer

9-7-2017
Date